

Excerpts
Planning Commission Minutes
November 12, 2003

Application No. UP-626-03, Miles C. Burcher and Gary L. Brocksmith: Request for a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize the establishment of a detached accessory apartment in conjunction with a single-family dwelling located at 709 Patricks Creek Road. The applicant is proposing to construct the approximately 765-square-foot apartment within an existing detached accessory structure. The 0.93-acre parcel is located on the south side of Patricks Creek Road (Route 616), approximately one-half mile east of its intersection with Lakeside Drive (Route 620) and is further identified as Assessor's Parcel No. 30J-1-1. The property is zoned RR (Rural Residential) and is designated for Low Density Residential development in the Comprehensive Plan.

Ms. Amy Parker, Senior Planner, summarized the memorandum to the Commission dated November 3, 2003 in which the staff recommended approval of this application by the adoption of proposed Resolution PC03-34.

Chair Simasek opened the public hearing.

Mr. Davis inquired about the distance between the subject building and the property line. Ms. Parker stated it was approximately six to seven feet.

Mr. Miles Burcher, 705 Patricks Creek Road, spoke in behalf of his application. He stated that the property abutting the existing accessory structure belongs to a family member but cannot be built upon because its size and shape would not allow conformance with the setback regulations. He stated the accessory structure is metered separately from the primary residence and is connected separately to County sewer.

Mr. Heavner inquired who would reside in the proposed accessory apartment, and Mr. Burcher stated the plan is that his mother will live there. It is possible, he added, that his uncle would reside in the apartment in the future, as have several family members over the years.

Chair Simasek asked if there were further questions of the applicant. There were none. Hearing no others who wished to speak, Chair Simasek closed the public hearing.

Mr. Davis asked the applicant if the family property sustained damage from Hurricane Isabel and Mr. Burcher said it did. He plans to raise the structure to avoid future flooding.

Mr. Ptasznik moved to adopt Resolution PC03-34.

PC03-34

On motion of Mr. Ptasznik, which carried 6:0 (Mr. Harvell absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 709 PATRICKS
CREEK ROAD

WHEREAS, Miles C. Burcher and Gary L. Brocksmith have submitted Application No. UP-626-03 to request a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located at 709 Patricks Creek Road and further identified as Assessor's Parcel No. 30J-1-1; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of November, 2003, that it does hereby transmit Application No. UP-626-03 to the York County Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained within an existing accessory structure on property located at 709 Patricks Creek Road and further identified as Assessor's Parcel No. 30J-1-1.
2. The apartment shall be contained within the existing structure located at the southwest corner of the subject property as indicated on the plat submitted by the applicant titled "Construction Survey, Plat of the Property of Miles C. Burcher," dated April 21, 2003, prepared by Davis & Associates and received by the Planning Division on September 28, 2003. Building plans in substantial conformance with the floor plans submitted by the applicant and received by the Planning Division on September 28, 2003 shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the issuance of a building permit for the accessory apartment.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. Habitable floor area of the accessory apartment unit shall not contain in excess of 800 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.

7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. Renovation of the existing structure for the purpose of establishing an accessory apartment shall be in compliance with Sections 24.1-372 and 24.1-373 of the County Zoning Ordinance and all applicable State and Federal regulations relevant to development in the FEMA-designated 100-year floodplain.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.
